

REMARKS

I. THE AMENDED CLAIM 8-15 TRAVERSE THE § 101 REJECTION OF THE AMENDED CLAIMS

Claims 8-15 have been amended to properly reflect a system claim with described addresses used to route information packets to, from, and within a virtual private network

II. THE CITED REFERENCE CANNOT SUSTAIN A § 102 REJECTION OF THE CLAIMS 8-15

The Examiner rejected Claims 8-15 under 35 U.S.C. § 102(e) as allegedly unpatentable over O'Neil. The cited reference fails to disclose, teach, or suggest essential claim elements of the amendments alone or in combination. Under 35 U.S.C. §102, the prior art must disclose each and every claim element for an invention to be anticipated by prior art. *Constant v. Advanced Minor-Devices, Inc.*, 848 F. 2d 1560 (Fed. Cir. 1988). All claim limitations of the invention must also be considered in determining patentability. *Hewlett-Packard Co. v. Bausch & Lomb, Inc.*, 909 F. 2d 1464 (Fed. Cir. 1990). Almost is not enough; the prior art must disclose all the elements. *Connell v. Sears, Roebuck & Co.*, 722 F. 2d 1542 (Fed. Cir. 1983). Accordingly, the absence of any claimed element negates anticipation under §102.

A central tenant of the invention and claims is a virtual private network (VPN) and virtual private network gateway (VPN-GW) or other aspects of the claims relating to a VPN. The VPN and VPN-GW are two fundamental claim elements, and the entire thrust of the invention is improving VPN communication by eliminating the exterior home agent as required under the prior art. O'Neil does not teach, disclose, or suggest a VPN in any aspect or manner. It is thus impossible for O'Neil to teach, disclose, or suggest a VPN, VPN-GW, a virtual private network tunnel address, or tunneling packets

AMENDMENTS TO THE DRAWINGS:

1. Figure 3 has been relabeled to correct element numbering.

to, away, or within a VPN. Since O'Neil fails to teach these essential elements, the reference cannot properly sustain a § 102 rejection.

III. THE CITED REFERENCES CANNOT SUSTAIN A § 103 REJECTION OF THE CLAIMS 1-7 OR 16-20

Like O'Neil, Vaarla also fails to disclose, teach, or suggest VPNs. Although Vaarla states that the disclosed IP security protocols can be used for building VPNs, Vaarla fails to disclose how, why, or in what manner an IP security protocol could be used in that manner. *Vaarla, para 0005*. The only entity providing encapsulation/decapsulation services is the home server in Vaarla; there is no VPN-GW disclosed nor two separate nodes performing encapsulation/decapsulation for a VPN (as claimed). There is nothing in either reference showing any VPN topography that dispenses with the exterior home agent required under the prior art. *See Application, p. 17-18*. The two references, neither alone or in combination, do not suggest, disclose, or teach any type of VPN topography, VPN-GWs, a security gateway on a VPN, a correspondence node on a VPN, a home agent in a VPN, an address used to tunnel packets to the gateway within a VPN separate from an address used to transmit packets to the gateway from outside the VPN. All of these claim elements are essential to the claims and are not found in the cited references. These claim elements disclose a how VPN can operate using a single home agent within a VPN and dispense with a second home agent located outside the VPN, which the cited references fail to do.

Additionally, the Examiner stated that claims 2 and 3 are identical. The Examiner is mistaken, because claim 2 claims a security gateway encrypting the information packet

and claim 3 claims a security gateway encapsulating the information packet.

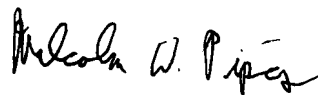
Encapsulation is a different and separate operation from encryption.

III. CONCLUSION

The claims are distinguishable from the teachings of the cited references. The Applicants believe that the argument and amended claims 8 and 16 traverse the Examiner's 35 U.S.C. §§ 101, 102, and 103 rejections. Independent claims 1, 8, and 16 are allowable because the cited references fail to disclose, teach, or suggest all the claimed limitations of the amended independent claims. Since the dependent claims add further limitations to the allowable independent claims, the Applicants believe the dependent claims are likewise allowable. Accordingly, pending claims 1-20 are believed allowable because the claimed invention is not disclosed, taught, or suggested by the cited references, alone or in combination.

It is believed that no additional fees are necessary for this filing. If additional fees are required for filing this response, then the appropriate fees should be deducted from D. Scott Hemingway's Deposit Account No. 501,270.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Malcolm W. Pipes".

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